

REMARKS

The Applicant appreciates the thorough review of the application by the Examiner.
Reconsideration and allowance are requested.

Claims 1 - 9 are patentable under 35 U.S.C. 102(b) over Abadie (U.S. Patent No. 4,638,588).

Claim 1 describes a device to be mounted on a wire grid. An extension projects from the device and the extension has a top surface. The top surface of the extension is larger than a base of the extension connected to the device to be mounted. A gap is located between the top surface of the extension and the device to be mounted. The extension is smaller in dimensions than openings in the wire grid. The extension passes through the openings in the wire grid until the gap is in the plane of the wire grid. The extension and connected device are rotated roughly 45 degrees. One or more undercuts on an underside of the top surface receive the wire grid, and the wire grid is locked into the undercuts.

Abadie describes a fish attracting device with a perforated hollow container (12) that is connected to a wire mesh screen (20). The perforated hollow container (12) is attached to the wire mesh screen with screws and corresponding nuts (28) that pass through wings (18). To use the device of Abadie, a user connects a first half (12A) of the container (12) with a second half (12B) by inserting up to ten screws (24) or clips (44) into openings in the wings (18). The user then places the perforated hollow container (12) within a complementary shaped wire mesh screen (20). Additional screws (28) are then secured in the wings (18) by passing the threaded portions of the screws (28) through the wire mesh screen (20).

The fish attracting device of Abadie does not look or function like the Applicant's invention. The Applicant's invention is a novel device that allows a user to attach the invention

quickly, easily and with one hand in bad weather conditions. Abadie is a complicated device that requires many tools and intense concentration to operate.

The Examiner states that Abadie contains an extension (18) or (28) that is similar to the extension of the Applicant's invention. However, the extensions referred to by the Examiner are not at all similar to the locking mechanism (41) of the Applicant's invention. The "extensions" in Abadie are wings (18) and screws and nuts (28) used as a securing mechanism. This two part system does not function as the locking mechanism (41) of the Applicant's invention.

Applicant's mechanism is a unitary device that passes through the wire grid and rotates to lock with one movement. In contrast, Abadie requires placing the wings (18) inside the wire mesh screen, then placing the screws (28) outside the wire mesh screen and screwing the screws into the wings (18).

Furthermore, Abadie does not have an extension with a top surface larger than the base. The top surface in Abadie would be on the wings (18) where the screws (28) are attached. The Examiner cites the top (14) of the container (12) and the base (16) of the container (12) as the relevant dimensions related to the top and base of the extension. However, the wings (18) are tapered outward from the top surface downward until they meet the taper from the related top surfaces of the other wing (18) on the same side of the container. The top surface of the wings (18) is not larger in dimension than the base of the wings (18).

The Examiner further cites Figure 2 as showing gaps between the top surface of the extension and the device to be mounted. However, because there is no decrease in diameter between the top surface and the container, no gap exists. The only gap that exists is the gap between the two top surfaces on each side of the container.

The Examiner repeatedly cites the screws and nuts (28) as being equivalent to the extensions (41) of the Applicant's invention. However, the screws and nuts (28) are not attached to the container (12) until an operator attaches both the screws and the wire mesh screen. The only part of the Abadie device that passes through the wire mesh screen is the screw. In contrast, the entire locking mechanism of the Applicant's invention is intended to pass through the wire grid as a whole unit and locks the device to be mounted in place without the addition or use of any other pieces.

At no time do the wings (18) of Abadie pass through the wire mesh screen as described in claim 1 of the Applicant's invention. Furthermore, at no time are the wings (18) with top surfaces rotated roughly 45 degrees. The only rotation in Abadie is the rotation of the screws (28) into the wings (18) and nuts (28).

Contrary to the Examiner's contention, Abadie does not contain undercuts. The Applicant believes that the Examiner is referring to the undersides of the top surfaces on the wings as undercuts. However, the undersides are flat in order to receive the screws and nuts (28). The undercuts would not be able to receive and hold the wires from the wire grid in a secure locking manner.

The device of Abadie does not anticipate the Applicant's invention. The Applicant's invention is an easy to use device that can be attached to a wire grid with one hand during adverse weather conditions. Abadie requires the use of additional tools and is difficult to assemble. Therefore, claim 1 is patentable over Abadie.

Claims 2 - 9 are dependent on independent claim 1 and add new, patentable features to claim 1.

Claim 2 adds to claim 1 that the extension is square shaped. The top surfaces of the joined wings (18) are rectangular and not square. Therefore, claim 2 is patentable over Abadie.

Claim 3 adds to claim 1 that the device to be mounted is mounted on a vertical grid. As described above, the mounting mechanism is distinct. Therefore, claim 3 is patentable over Abadie.

Claim 4 adds to claim 1 that the undercuts are located on opposite corners of the extension. The undercuts cited by the Examiner are not undercuts as described above. Furthermore, the flat undersides of the top surfaces extend along the entire outer surfaces and all four corners of the top surface. Therefore, claim 4 is patentable over Abadie.

Claim 5 adds to claim 1 that the device to be mounted is mounted on a vertical grid. As described above, the mounting mechanism is distinct. Therefore, claim 5 is patentable over Abadie.

Claim 6 adds to claim 1 that the extensions are separately attached to the device to be mounted. As described above, the mounting mechanism is distinct. Therefore, claim 6 is patentable over Abadie.

Claim 7 adds to claim 1 that the locking mechanism is split in half, forming two equilateral halves. As described above, the mounting mechanism is distinct. Therefore, claim 7 is patentable over Abadie.

Claim 8 adds to claim 7 a protrusion on one half of the locking mechanism and a corresponding receptacle on the opposite half of the locking mechanism. There is no protrusion on the wings (18) that fit into corresponding receptacles on the opposite wings (18). The two halves sit flush with one another. Therefore, claim 8 is patentable over Abadie.

Claim 9 adds to claim 8 a protrusion on one half of the locking mechanism and a corresponding receptacle on the opposite half of the locking mechanism. There is no protrusion on the wings (18) that fit into corresponding receptacles on the opposite wings (18). The two halves sit flush with one another. Therefore, claim 9 is patentable over Abadie.

Therefore, Claims 1 - 9 are patentable over Abadie.

Claims 10 - 11, 13 - 15 and 21 - 22 are patentable under 35 U.S.C. 102(b) over Levey (U.S. Patent No. 5,617,669).

Claim 10 describes a bait trap with first and second halves for forming a complete cylindrical container. The cylindrical container has top, bottom and side surfaces, one or more openings in the side surface of the cylindrical container, one or more hinges connecting the first half to the second half, raised regions for improving grip, and protrusions and tabs on edges of the side surfaces of the first and second halves for locking the cylindrical container closed.

Levey describes a longitudinally divided cylinder with a living hinge (16) connecting the top half (14) and bottom half (12). Separate devices are used to close the container (10) and secure the container (10) to a surface line. A faster means (18) attaches the top half (14) to the bottom half (12). Eyelets (46) connect the container (10) to a fishing line.

Levey teaches a living hinge (16) to connect the top half (14) to the bottom half (12). The Applicant's invention does not use a living hinge. Instead, the Applicant's invention uses at least one, but preferably three hinges (27). The hinges consist of vertical bars (29) on one half of the cylinder that lock into half circle depressions (31) on an opposite half of the container. The Applicant's hinges allow the container to be opened to an exact and controlled degree. The living hinge of Levey would allow the container to open beyond an optimal degree, making

placement of a bait ball more difficult. The Applicant's hinge ensures easy operation of the device by a user. Therefore, the living hinge is differentiated from the vertical bar lock of the Applicant's invention.

Furthermore, Levey does not include raised regions to improve grip. The raised regions cited by the Examiner are merely the eyelets (46) for attaching a fishing line to the container (10). These eyelets would not help a user operate the chum distributor during use at any time or especially during adverse weather conditions. The eyelets are only located along the exposed edges of the container halves. A user would not be in contact with the eyelets during loading of the container. In contrast, the raised regions (55) of the Applicant's invention are located all over the side surfaces of the cylindrical container. These raised regions provide better grip for a user and prevent slipping and dropping of the container.

The protrusions and tabs of the Applicant's invention include the extensions (71) and depressions (73) along edges of the container halves and the protrusions (61) and receptacles (63) within the locking mechanism (41).

Therefore, claim 10 is not anticipated by Levey and is patentable over Levey.

Claims 11, 13 - 15, and 21 - 22 depend on patentable claim 10 and add new, patentable features to claim 10. As described above, the hinge and connection compositions of the container halves is distinct. The addition of further novel and patentable elements does not render these claims unpatentable. Therefore, claims 11, 13 - 15, and 21 - 22 are patentable over Levey.

Claim 12 is patentable under 35 U.S.C. 103(a) over Levey (U.S. Patent No. 5,617,669) in view of Kennedy (U.S. Patent No. 4,914,856).

Claim 12 is dependent on independent claim 10. Claim 12 adds to independent claim 10 that the bait trap is used inside fishing traps.

Independent claim 10 is patentable over Levey as described above. As indicated by the Examiner, Levey does not describe use of the container within a fishing trap. Levey describes use of the container attached to a fishing line.

Kennedy describes a bait container used within a crustacean trap. It would not have been obvious to one of ordinary skill in the art at the time of the invention to combine the crustacean trap of Kennedy with the fishing line container of Levey.

Levey is a chum distributor used to attract animals to an area in a fishing operation. The chum distributor is filled with bait and dropped over the side of a boat on a fishing line. The chum distributor is then dragged behind a boat to attract fish to the other fishing lines. In contrast, the crustacean trap of Kennedy is left in place in a marked position on the sea floor. The bait is not distributed as in Levey, but remains in the container to continuously attract more crustaceans into the trap. If the bait in Kennedy were disbursed by dragging on a fishing line, it would not attract crustaceans effectively.

Therefore, claim 12 is patentable over Levey in view of Kennedy.

Claims 16 - 17 are patentable under 35 U.S.C. 103(a) over Levey (U.S. Patent No. 5,617,669) in view of Bristow (G.B. Patent No. 2,226,743).

Claim 16 is dependent on independent claim 10. Claim 16 adds to independent claim 10 that raised regions are concentric ridges on the top and bottom surfaces of the cylindrical container.

Independent claim 10 is patentable over Levey as described above. As indicated by the Examiner, Levey does not describe concentric ridges on the top and bottom surfaces of the cylindrical container. Levey describes use of smooth top and bottom surfaces.

Bristow describes a bait feeder attached to a fishing line by eyelets (22) with the ability to plug apertures (28) with stoppers (30).

The Examiner has cited Bristow as teaching concentric ridges as raised regions on the top surface (16) and bottom surface (18) of a cylindrical container (10). The Examiner has cited the elements numbered (30) to (38). However, elements (30) to (38) are not located on the top surface (16) or bottom surface (18) of the cylindrical container (10). In fact, elements (30) to (38) are related to the stopper mechanisms (30) that fit within the apertures (28).

Furthermore, even if the elements referenced by the Examiner were not on stoppers, the drawings and related description do not mention anything about concentric ridges. Figure 2A shows a side view of the stopper with a smooth, rounded head (36). Figures 2B and 2C do show concentric circles, but these are not ridges. The circles merely represent hidden features. The other elements are a base portion (32), a neck portion (34), and an end (38). None of these elements are concentric ridges.

It would not be obvious to one of ordinary skill in the art at the time of the invention to combine the inventions of Levey and Bristow. Bristow teaches closure of openings on the bait basket. Levey would not function with closed openings. Closed openings in Bristow would prevent release of chum and minimize the attractive properties of the container. Bristow is designed specifically for live bait operations, such as worms, maggots and other animals. Levey is designed specifically for commercially frozen chum logs (L). The two operations are distinct and require different solutions.

Therefore, claim 16 is patentable over Levey in view of Bristow.

Claim 17 is dependent on independent claim 10. Claim 17 adds to independent claim 10 that the raised regions are dimples along the outside surface of the cylindrical container.

Independent claim 10 is patentable over Levey as described above. As indicated by the Examiner, Levey does not describe dimples along the outside surface of the cylindrical container. Levey describes use of smooth top and bottom surfaces.

The Examiner has cited Bristow as raised regions on the outside of the container. The Examiner has cited the heads of the stoppers (36) as the dimples. However, the stoppers (36) are removable elements of the device in Bristow that serve a functional purpose and are not intended to improve grip. The raised regions of the Applicant's invention are molded into the container halves and are always present. They are not removable.

It would not be obvious to one of ordinary skill in the art at the time of the invention to combine the inventions of Levey and Bristow. Bristow teaches closure of openings on the bait basket. Levey would not function with closed openings. Closed openings in Bristow would prevent release of chum and minimize the attractive properties of the container. Bristow is designed specifically for live bait operations, such as worms, maggots and other animals. Levey

is designed specifically for commercially frozen chum logs (L). The two operations are distinct and require different solutions.

Therefore, claim 17 is patentable over Levey in view of Bristow.

Claim 19 is patentable under 35 U.S.C. 103(a) over Levey (U.S. Patent No. 5,617,669) in view of Abadie (U.S. Patent No. 4,368,588).

Claim 19 is dependent on independent claim 10. Claim 19 adds to independent claim 10 a loop for hanging the apparatus when not in use.

Independent claim 10 is patentable over Levey and Abadie as described above. There is no motivation by one of ordinary skill in the art at the time of invention to combine the two disclosures. As indicated by the Examiner, Levey does not describe a hook for hanging the apparatus when not in use. Levey only describes use fishing line during operation.

Abadie describes a wire or metal brace (36) attached to the wings (18). The brace (36) is then "attached to small a rope or chain for suspending the device in the water and positioning the device at a predetermined depth below the water surface". (See column 3, lines 26 - 29). The brace (36) is used during operation of the device.

In contrast, the Applicant's invention discloses a loop used exclusively for hanging the apparatus when not in use. The loop in the Applicant's invention does not function during operation of the device like the brace of Abadie. The loop is not attached to a rope or chain during operation.

Therefore, claim 19 is patentable over Levey in view of Abadie.

Claims 18 and 20 are patentable under 35 U.S.C. 103(a) over Levey (U.S. Patent No. 5,617,669) in view of Suddeth (U.S. Patent No. 5,606,820).

Claims 18 and 20 are dependent on independent claim 10. Claim 18 adds to independent claim 10 that the one or more hinges are three hinges. Claim 20 adds to independent claim 10 that the hinges are vertical bars on half of the cylindrical container that lock into half circle depressions on the opposite half of the cylindrical container.

Independent claim 10 is patentable over Levey as described above. There is no motivation by one of ordinary skill in the art at the time of invention to combine the two disclosures. As indicated by the Examiner, Levey does not describe the use of three hinges. Levey only describes the use of one living hinge.

Suddeth describes a storage container for storing fishing lures. Lure retention slots store lures in separate compartments. The Examiner states that there are three hinges, identified as elements (52) and (54). These elements may be hinge like devices. However, Figure 5 only shows two instances of element (52). Figure 6, as cited by the Examiner, could not be found in Suddeth. The Applicant presumes the Examiner is referring to Figure 4. Suddeth is not related to the Applicant's invention or Levey.

There would have been no motivation for one of ordinary skill in the art at the time of the invention to combine Levey and Suddeth. Levey is a chum distributor and Suddeth is a fishing tackle box. The only similarity between the two references is the use of the devices to hold an object. However, Levey is a chum distributor that is intended to release the contents of the container while Suddeth is a tackle box meant to securely hold contents.

Therefore, claims 18 and 20 are patentable over Levey in view of Suddeth.

Claims 23, 25 - 27, 31, and 33 - 42 are patentable under 35 U.S.C. 103(a) over Abadie (U.S. Patent No. 4,638,588) in view of Levey (U.S. Patent No. 5,617,669).

Claim 23 describes a bait trap with locking mechanism. First and second halves form a complete cylindrical container. The cylindrical container includes top, bottom and side surfaces, one or more openings in the side surface, one or more hinges connecting the first half to the second half, raised regions for improving grip, protrusions and tabs on edges of the side surfaces of the first and second halves for locking the cylindrical container closed, protrusions and tabs on edges of the top and bottom surfaces of the first and second halves for locking the cylindrical container closed, and an extension projecting from the cylindrical container. The extension has a top surface that is larger than a base connected to the cylindrical container. A gap exists between the top surface of the extension and the side surface of the cylindrical container. The extension is smaller in dimensions than openings in a wire grid. The extension passes through the openings in the wire grid until the gap is in the plane of the wire grid. The extension and device to be mounted are rotated roughly 45 degrees. One or more undercuts are located on an underside of the top surface for receiving the wire grid, and the wire grid is locked into the undercuts.

As indicated above, Abadie describes a fish attracting device with a perforated hollow container (12) that is connected to a wire mesh screen (20). The perforated hollow container (12) is attached to the wire mesh screen with screws and corresponding nuts (28) that pass through wings (18). To use the device of Abadie, a user connects a first half (12A) of the container (12) with a second half (12B) by inserting up to ten screws (24) or clips (44) into openings in the wings (18). The user then places the perforated hollow container (12) within a complementary shaped wire mesh screen (20). Additional screws (28) are then secured in the

wings (18) by passing the threaded portions of the screws (28) through the wire mesh screen (20).

The fish attracting device of Abadie does not look or function like the Applicant's invention. The Applicant's invention is a novel device that allows a user to attach the invention quickly, easily and with one hand in adverse weather conditions. Abadie is a complicated device that requires many tools and intense concentration to operate.

The raised regions cited by the Examiner is a wire or metal brace (36) connected to the container (12). The brace (36) would not improve grip during use like the dimpled raised regions of the Applicant's invention.

Further, the Examiner then compares the protrusions and tabs of the Applicant's invention to the screws (24) in the wings (18). The Applicant respectfully disagrees that these structures are similar. The protrusions and tabs of the Applicant's invention are simple push mechanisms that can be operated by the user without additional tools. The screws of Abadie require screw drivers before the device is mounted.

The Examiner states that Abadie contains an extension (18) or (28) that is similar to the extension of the Applicant's invention. However, the extensions referred to by the Examiner are not at all similar to the locking mechanism (41) of the Applicant's invention. The "extensions" in Abadie are wings (18) and screws and nuts (28) used as a securing mechanism. This two part system does not function as the locking mechanism (41) of the Applicant's invention. Applicant's mechanism is a unitary device that passes through the wire grid and rotates to lock with one movement. In contrast, Abadie requires placing the wings (18) inside the wire mesh screen, then placing the screws (28) outside the wire mesh screen and screwing the screws into the wings (18).

Furthermore, Abadie does not have an extension with a top surface larger than the base. The top surface in Abadie would be on the wings (18) where the screws (28) are attached. The Examiner cites the top (14) of the container (12) and the base (16) of the container (12) as the relevant dimensions related to the top and base of the extension. However, the wings (18) are tapered outward from the top surface downward until they meet the taper from the related top surfaces of the other wing (18) on the same side of the container. The top surface of the wings (18) is not larger in dimension than the base of the wings (18).

The Examiner further cites Figure 2 as showing gaps between the top surface of the extension and the device to be mounted. However, because there is no decrease in diameter between the top surface and the container, no gap exists. The only gap that exists is the gap between the two top surfaces on each side of the container.

The Examiner repeatedly cites the screws and nuts (28) as being equivalent to the extensions (41) of the Applicant's invention. However, the screws and nuts (28) are not attached to the container (12) until an operator attaches both the screws and the wire mesh screen. The only part of the Abadie device that passes through the wire mesh screen is the screw. In contrast, the entire locking mechanism of the Applicant's invention is intended to pass through the wire grid as a whole unit and locks the device to be mounted in place without the addition or use of any other pieces.

At no time do the wings (18) of Abadie pass through the wire mesh screen as described in claim 1 of the Applicant's invention. Furthermore, at no time are the wings (18) with top surfaces rotated roughly 45 degrees. The only rotation in Abadie is the rotation of the screws (28) into the wings (18) and nuts (28). Any movement of the wings (18) is merely an alignment with the screws (28).

Contrary to the Examiner's contention, Abadie does not contain undercuts. The Applicant believes that the Examiner is referring to the undersides of the top surfaces on the wings as undercuts. However, the undersides are flat in order to receive the screws and nuts (28). The undercuts would not be able to receive and hold the wires from the wire grid in a secure locking manner.

There is no motivation by one of ordinary skill in the art at the time of invention to combine the two disclosures. As indicated by the Examiner, Abadie does not describe the use of one or more hinges. The invention of Abadie describes two distinct halves of a cylinder that are connected with screws.

Suddeth describes a storage container for storing fishing lures. Lure retention slots store lures in separate compartments. The Examiner states that there are three hinges, identified as elements (52) and (54). These elements may be hinge like devices. However, Figure 5 only shows two instances of element (52). Figure 6, as cited by the Examiner, could not be found in Suddeth. The Applicant presumes the Examiner is referring to Figure 4. Suddeth is not related to the Applicant's invention or Levey.

There would have been no motivation for one of ordinary skill in the art at the time of the invention to combine Levey and Suddeth. Levey is a chum distributor and Suddeth is a fishing tackle box. The only similarity between the two references is the use of the devices to hold an object. However, Levey is a chum distributor that is intended to release the contents of the container while Suddeth is a tackle box meant to securely hold contents.

As indicated above, Levey describes a longitudinally divided cylinder with a living hinge (16) connecting the top half (14) and bottom half (12). Separate devices are used to close the

container (10) and secure the container (10) to a surface line. A faster means (18) attaches the top half (14) to the bottom half (12). Eyelets (46) connect the container (10) to a fishing line.

Levey teaches a living hinge (16) to connect the top half (14) to the bottom half (12).

The Applicant's invention does not use a living hinge. Instead, the Applicant's invention uses at least one, but preferably three hinges (27). The hinges consist of vertical bars (29) on one half of the cylinder that lock into half circle depressions (31) on an opposite half of the container. The Applicant's hinges allow the container to be opened to an exact and controlled degree. The living hinge of Levey would allow the container to open beyond an optimal degree, making placement of a bait ball more difficult. The Applicant's hinge ensures easy operation of the device by a user. Therefore, the living hinge is differentiated from the vertical bar lock of the Applicant's invention.

There is no motivation by one of ordinary skill in the art at the time of invention to combine the two disclosures. Abadie and Levey describe two distinct solutions to the problem of bait distribution.

Therefore, claim 23 is patentable over Abadie in view of Levey.

Claims 25 - 27, 31, and 33 - 42 depend on patentable claim 23 and add new, patentable features to claim 23. As described above, the hinge and connection compositions of the container halves is distinct. The addition of further novel and patentable elements does not render these claims unpatentable. Therefore, claims 25 - 27, 31 and 33 - 42 are patentable over Abadie in view of Levey.

Claim 24 is patentable under 35 U.S.C. 103(a) over Abadie (U.S. Patent No. 4,638,588) in view of Levey (U.S. Patent No. 5,617,669) and further in view of Kennedy (U.S. Patent No. 4,914,856).

Claim 24 is dependent on independent claim 23. Claim 24 adds to independent claim 23 that the bait trap is used inside fishing traps.

Independent claim 23 is patentable over Abadie in view of Levey as described above. As indicated by the Examiner, Abadie as modified by Levey does not describe use of the container within a fishing trap. Abadie and Levey describes use of containers attached to a fishing line.

Kennedy describes a bait container used within a crustacean trap. It would not have been obvious to one of ordinary skill in the art at the time of the invention to combine the crustacean trap of Kennedy with the fishing line container of Abadie and Levey.

Abadie and Levey are loosely related chum distributors used to attract animals to an area in a fishing operation. The chum distributor is filled with bait and dropped over the side of a boat on a fishing line. The chum distributor is then dragged behind a boat to attract fish to the other fishing lines. In contrast, the crustacean trap of Kennedy is left in place in a marked position on the sea floor. The bait is not distributed as in Abadie and Levey, but remains in the container to continuously attract more crustaceans into the trap. If the bait in Kennedy were disbursed by dragging on a fishing line, it would not attract crustaceans effectively.

There is no motivation by one of ordinary skill in the art at the time of invention to combine the two disclosures. Therefore, claim 24 is patentable over Abadie in view of Levey and further in view of Kennedy.

Claims 28 - 29 are patentable under 35 U.S.C. 103(a) over Abadie (U.S. Patent No. 4,638,588) in view of Levey (U.S. Patent No. 5,617,669) and further in view of Bristow (G.B. Patent No. 2,226,743).

Claim 28 is dependent on independent claim 23. Claim 28 adds to independent claim 23 that raised regions are concentric ridges on the top and bottom surfaces of the cylindrical container.

Independent claim 23 is patentable over Abadie in view of Levey as described above. As indicated by the Examiner, Abadie and Levey do not describe concentric ridges on the top and bottom surfaces of the cylindrical container. Abadie and Levey describe use of smooth top and bottom surfaces.

Bristow describes a bait feeder attached to a fishing line by eyelets (22) with the ability to plug apertures (28) with stoppers (30).

The Examiner has cited Bristow as teaching concentric ridges as raised regions on the top surface (16) and bottom surface (18) of a cylindrical container (10). The Examiner has cited the elements numbered (30) to (38). However, elements (30) to (38) are not located on the top surface (16) or bottom surface (18) of the cylindrical container (10). In fact, elements (30) to (38) are related to the stopper mechanisms (30) that fit within the apertures (28).

Furthermore, even if the elements referenced by the Examiner were not on stoppers, the drawings and related description do not mention anything about concentric ridges. Figure 2A shows a side view of the stopper with a smooth, rounded head (36). Figures 2B and 2C do show concentric circles, but these are not ridges. The circles merely represent hidden features. The other elements are a base portion (32), a neck portion (34), and an end (38). None of these elements are concentric ridges.

It would not be obvious to one of ordinary skill in the art at the time of the invention to combine the inventions of Levey and Bristow. Bristow teaches closure of openings on the bait basket. Abadie and Levey would not function with closed openings. Closed openings in Bristow would prevent release of chum and minimize the attractive properties of the container. Bristow is designed specifically for live bait operations, such as worms, maggots and other animals. Abadie and Levey are designed specifically for commercially frozen chum logs (L). The two operations are distinct and require different solutions.

There is no motivation by one of ordinary skill in the art at the time of invention to combine the two disclosures. Therefore, claim 28 is patentable over Abadie in view of Levey and further in view of Bristow.

Claim 29 is dependent on independent claim 23. Claim 29 adds to independent claim 23 that the raised regions are dimples along the outside surface of the cylindrical container.

Independent claim 23 is patentable over Abadie and Levey as described above. As indicated by the Examiner, Abadie and Levey do not describe dimples along the outside surface of the cylindrical container. Abadie and Levey describes use of smooth top and bottom surfaces.

The Examiner has cited Bristow as raised regions on the outside of the container. The Examiner has cited the heads of the stoppers (36) as the dimples. However, the stoppers (36) are removable elements of the device in Bristow that serve a functional purpose and are not intended to improve grip. The raised regions of the Applicant's invention are molded into the container halves and are always present. They are not removable.

It would not be obvious to one of ordinary skill in the art at the time of the invention to combine the inventions of Abadie and Levey and Bristow. Bristow teaches closure of openings on the bait basket. Abadie and Levey would not function with closed openings. Closed

openings in Bristow would prevent release of chum and minimize the attractive properties of the container. Bristow is designed specifically for live bait operations, such as worms, maggots and other animals. Abadie and Levey are designed specifically for commercially frozen chum logs (L). The two operations are distinct and require different solutions.

There is no motivation by one or ordinary skill in the art at the time of invention to combine the two disclosures. Therefore, claim 29 is patentable over Abadie in view of Levey and further in view of Bristow.

Claims 30 and 32 are patentable under 35 U.S.C. 103(a) over Abadie (U.S. Patent No. 4,638,588) in view of Levey (U.S. Patent No. 5,617,669) in view of Suddeth (U.S. Patent No. 5,606,820).

Claims 30 and 32 are dependent on independent claim 23. Claim 30 adds to independent claim 23 that the one or more hinges are three hinges. Claim 32 adds to independent claim 23 that the hinges are vertical bars on half of the cylindrical container that lock into half circle depressions on the opposite half of the cylindrical container.

Independent claim 23 is patentable over Abadie and Levey as described above. There is no motivation by one or ordinary skill in the art at the time of invention to combine the two disclosures. As indicated by the Examiner, Abadie and Levey do not describe the use of three hinges. Abadie does not describe any hinges and Levey only describes the use of one living hinge.

Suddeth describes a storage container for storing fishing lures. Lure retention slots store lures in separate compartments. The Examiner states that there are three hinges, identified as elements (52) and (54). These elements may be hinge like devices. However, Figure 5 only

shows two instances of element (52). Figure 6, as cited by the Examiner, could not be found in Suddeth. The Applicant presumes the Examiner is referring to Figure 4. Suddeth is not related to the Applicant's invention or Abadie or Levey.

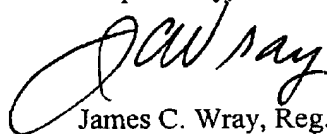
There would have been no motivation for one of ordinary skill in the art at the time of the invention to combine Abadie and Levey and Suddeth. Abadie and Levey are loosely related chum distributors and Suddeth is a fishing tackle box. The only similarity between the references is the use of the devices to hold an object. However, Abadie and Levey are chum distributors that are intended to release the contents of the container while Suddeth is a tackle box meant to securely hold contents.

There is no motivation by one of ordinary skill in the art at the time of invention to combine the two disclosures. Therefore, claims 30 and 32 are patentable over Abadie in view of Levey and further in view of Suddeth.

CONCLUSION

Reconsideration and allowance are respectfully requested.

Respectfully,



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